

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-1491 AND MAP 17295

FOR WATER APPROPRIATION A-14955

WATER DIVISION 2-B

Background

4. Surface water appropriation A-14955 is currently held by Valerian M. Moravec Irrevocable Trust.
5. Appropriation A-14955 has a priority date of May 24, 1977, and authorizes the use of water for irrigation of 124.0 acres of land. The water may be diverted from Wahoo Creek at a point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 13 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every seventy acres irrigated, at a maximum rate of 1.77 cfs (794 gallons per minute).
6. Beverly Moravec, Trustee, on behalf of Valerian M. Moravec Irrevocable Trust, filed an Application for a Non Expedited Transfer, NEX-1491, for portions of appropriation A-14955.
7. Beverly Moravec, Trustee, on behalf of Valerian M. Moravec Irrevocable Trust, filed map number 17295 showing the location of the lands to be irrigated under appropriation A-14955 NEX-1491.

Order

1. It is hereby ORDERED that application NEX-1491, for a permit for a non-expedited transfer of the location of use, and map number 17295 are APPROVED.
2. Appropriation A-14955 NEX-1491 authorizes the use of water to irrigate the 124.0 acres described below and depicted on map number 17295, which is made a part of this Order. The water may be diverted from Wahoo Creek at points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 13 North, Range 8 East of the 6<sup>th</sup> P.M. in Saunders County. The rate that water may be diverted shall not exceed one cfs for every seventy acres irrigated, at a maximum combined rate of 1.77 cfs (794 gallons per minute) from all points of diversion.

Township 13 North, Range 8 East of the 6 <sup>th</sup> P.M. in Saunders County		Acres
Section 13:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	36.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>35.3</u>
TOTAL		124.0

3. All terms and conditions of appropriation A-14955 remain in effect unless specifically changed by this order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - a. Notify the Department of any change in ownership or address.
  - b. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - c. Getting approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

#### Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

#### DEPARTMENT OF NATURAL RESOURCES

November 24 , 2008

/S/  
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the

Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval and map number 17295 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and map number 17295 were mailed on November \_\_\_\_\_, 2008, to the following:

Valerian M. Moravec Irrevocable Trust  
Beverly Moravec, Trustee  
23268 County Road 20  
Arlington NE 68002

Kent and Lisa Moravec  
660 County Road 10  
Ithaca NE 68033